IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

WP(C).No. 6539 of 2007(C)

RCA.8/2007 of RENT CONTROL APPELLATE AUTHORITY, THRISSUR
RCP.67/2002 of RENT CONTROL COURT,THRISSUR
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PETITIONER:
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1. PAUL, S/O.MALIAKKAL MULAKKAN KOCHAPPAN,
AGED 53 YEARS, KIZJAKKUMPATTUKARA DESOM,
THRISSUR VILLAGE, TALUK, THRISSUR DISTRICT.

2. SURESH, S/O.LAKSHMIKUTTY AMMA,
KIZHAKKUMPATTUKARA DESOM,
THRISSUR VILLAGE, TALUK, THRISSUR DISTRICT.

BY ADV. SRI.JIJO PAUL

RESPONDENTS:
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1. LAKSHMIKUTTY AMMA,
D/O. MOOTHEDATH NARAYANI AMMA,
KIZHAKKUMPATTUKARA DESOM,
THRISSUR VILLAGE, TALUK,
THRISSUR DISTRICT.

2. SURESH, S/O.LAKSHMIKUTTY AMMA,
KIZHAKKUMPATTUKARA DESOM,
THRISSUR VILLAGE, TALUK, THRISSUR DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC, JJ.

W.P(C) NO. 6539 OF 2007

Dated this the 2nd day of March, 2007

J U D G M E N T

P.R.Raman, J.

This is a petition filed under Article 227 of the Constitution of India. The only contention raised is that, as against the order of eviction passed by the Rent Control Court, appeal has been presented. However, since there was inordinate delay, there is a petition for condonation of the same, which is coming up for consideration on 6/3/2007 before the Appellate Authority. It was in the meantime that the Execution Petition was posted with, and hence he approached this Court by filing Writ petition seeking stay of execution until consideration of the delay petition by the Appellate Authority. Though this court was not inclined to admit the matter, notice was issued before admission and an interim stay was granted and petitioner was asked to serve notice by special messenger so that the matter can be disposed after hearing both sides. It was contended on behalf of the respondent that there is no bonafide in the petition now filed before the

Appellate Authority and that several opportunities were given to him which he did not avail.

2. However, we are not entering into the merits of the contention. But merely because a delay petition is pending that does not give rise to any right to the petitioner to seek stay of the execution proceedings. However, considering the fact that we have already granted stay till now and now that the matter is coming up according to the petitioner on 6th March, it is appropriate that the stay granted by this court will continue till then. No other relief can be granted.

Writ petition is dismissed subject to what is stated above.

P.R.RAMAN, JUDGE

ANTONY DOMINIC, JUDGE

Rp